

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JUN 10 2005

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

UNITED STATES OF AMERICA,)	CRIM. ACTION NO.
)	3:04CR00095
v.)	
)	<u>ORDER</u>
PHILLIP CHARLES GALLIHUGH)	
)	
Defendant.)	JUDGE NORMAN. K. MOON

This case was referred to the presiding United States Magistrate Judge for conduct of a plea hearing and a plea colloquy under Rule 11 of the Federal Rules of Criminal Procedure. The Magistrate Judge was requested to submit a report to this court setting forth findings of fact, conclusions of law, and recommendations as to the acceptance of the plea. Following a plea hearing on May 16, 2005, the Magistrate Judge filed his report on May 17, 2005. He recommended that this court accept the defendant's plea of guilty to Count One of the Superseding Information and adjudge him guilty of that offense, and dismiss Count Two against him. Upon careful review of the entire record in this case, and no objection having been filed to the Magistrate Judge's Report within ten (10) days of its service upon the parties, *see* 28 U.S.C. § 636(b)(1), the court adopts the Magistrate Judge's report in its entirety. It is accordingly this day

ADJUDGED, ORDERED, AND DECREED

as follows:

1. The Report and Recommendation of the United States Magistrate Judge, filed May 17, 2005, is hereby ADOPTED in its entirety;

2. For the reasons stated in the Magistrate Judge's Report, the defendant's plea of guilty to Count One is hereby ACCEPTED;

3. The defendant is hereby adjudged GUILTY of the offense in Count One of the Superseding Information.;


4. Count Two of the Indictment against the defendant is hereby DISMISSED; and

5. Acceptance of the plea agreement is DEFERRED until after the presentence report has been submitted to the Court.

The Clerk of the Court hereby is directed to send a certified copy of this Order to all counsel of record and to Magistrate Judge Crigler.

ENTERED:


United States District Judge

 June 10, 2005
Date